

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, May 1, 1941.

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, May 1, 1941, at 10:00 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; absent, none.

The Minutes of the regular meeting of April 24, 1941, were read, and upon motion of Councilman Alford, were adopted as read by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Upon motion, the following proclamations to be issued by the Mayor were approved: "Defense Bond and Savings Stamp Week, May 1-8"; "National Restaurant Week, May 5-11"; and "National Music Week, May 4-11".

The Mayor announced that the next order of business would be the installation of the newly-elected City Council.

The oath of office was then administered by the City Attorney, Trueman O'Quinn, to Councilmen-elect Chas. F. Alford, Eugene C. Bartholomew, Simon Gillis, Tom Miller, and Oswald G. Wolf.

The election of a Mayor and Mayor Pro Tem for the ensuing two years was the next order of business.

Councilman Gillis nominated Councilman Tom Miller as Mayor. There being no other nominations, Mayor Pro Tem Wolf took the chair and ordered the roll called on the nomination by Councilman Gillis, with the following result: Ayes, Councilmen Alford, Bartholomew, Gillis, and Wolf; nays, none; Councilman Miller present but not voting.

Councilman Tom Miller was then declared duly elected Mayor, and took the chair.

Councilman Alford nominated Councilman Oswald G. Wolf as Mayor Pro Tem. There being no other nominations, the Mayor ordered the roll called on the nomination by Councilman Alford, with the following result: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf present but not voting.

Councilman Wolf was then declared duly elected Mayor Pro Tem.

The election of appointive officers was the next order of business.

Councilman Wolf nominated Guiton Morgan as City Manager. There being no other nominations, the roll was ordered called on the nomination by Councilman Wolf, with the following result: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Guiton Morgan was then declared duly elected City Manager.

Councilman Wolf nominated J. W. Maxwell as Judge of the Corporation Court. There being no other nominations, the roll was ordered called on the nomination by Councilman Wolf, with the following result: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Judge J. W. Maxwell was then declared duly elected Judge of the Corporation Court.

Councilman Wolf nominated Fred A. Griffith as Clerk of the Corporation Court. There being no other nominations, the roll was ordered called on the nomination by Councilman Wolf, with the following result: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Fred A. Griffith was then declared duly elected Clerk of the Corporation Court.

Councilman Wolf nominated O. P. Bonner as Deputy Clerk of the Corporation Court. There being no other nominations, the roll was ordered called on the nomination by Councilman Wolf, with the following result: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf;

nays, none.

O. F. Bonner was then declared duly elected Deputy Clerk of the Corporation Court.

Mayor Miller nominated Dr. George Decherd as City Health Officer. There being no other nominations, the roll was ordered called on the nomination by Mayor Miller, with the following result: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Dr. George Decherd was then declared duly elected City Health Officer.

Councilman Gillis nominated Hallie McKellar as City Clerk. The nomination was confirmed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Alford nominated Kurt R. Meyer as a member of the Board of Equalization for the two-year term ending May 1, 1943. The nomination was seconded by Councilman Gillis, and the same was confirmed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

It was moved by Councilman Alford that the application of Melvin Fannell, 2100 Holly Street, for a Taxicab Driver's Permit be granted, in accordance with the recommendation of the City Manager. The motion was seconded by Councilman Gillis, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

It was moved by Councilman Alford that the application of Vivian L. Ward, 315 West 6th Street, for a Taxicab Driver's Permit be granted, in accordance with the recommendation of the City Manager. The motion was seconded by Councilman Gillis, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

It was moved by Councilman Alford that the application of Wallace H. Word, 306 East 2nd Street, for a Taxicab Driver's Permit be granted, in accordance with the recommendation of the City Manager. The motion was seconded by Councilman Gillis, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

It was moved by Councilman Alford that the application of J. D. Fhelan, 1305 East 3rd Street, for a Taxicab Driver's Permit be granted, in accordance with the recommendation of the City Manager. The Motion was seconded by Councilman Gillis, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

It was moved by Councilman Alford that the application of Edwin Wallace Beard, 89 Navasota Street, for a Taxicab Driver's Permit be granted, in accordance with the recommendation of the City Manager. The motion was seconded by Councilman Gillis, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

It was moved by Councilman Alford that the application of Charles Andrew Cantwell, 3306 King Street, for a Taxicab Driver's Permit be granted, in accordance with the recommendation of the City Manager. The motion was seconded by Councilman Gillis, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

It was moved by Councilman Alford that the application of Millard Murray Pogue, 709 East 1st Street, for a Taxicab Driver's Permit be granted, in accordance with the recommendation of the City Manager. The motion was seconded by Councilman Gillis, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

It was moved by Councilman Alford that the application of Carl R. Bounds, 74 East Avenue, for a license to operate a Taxicab be granted, in accordance with the recommendation of the City Manager. The motion was seconded by Councilman Wolf, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

It was moved by Councilman Bartholomew that the following applications for licenses to operate private boats be granted, subject to the approval of same by the Lake Austin Navigation Board:

Name and Address of ApplicantDescription of Boat

Beard, Benton - Star Route B, Box 12	Home-made, Outboard, Fishing, 1941 Model, Elto - 5-passenger
Elkins, John - 2105 East 2nd Street	Home-made, Outboard, 2 years old, 3-passenger
Flenniken, M. L. 708 Rio Grande Street	Home-made, Flat Bottom, New, 3-passenger
Gault, Frank 1903 East 1st Street	Flat-bottom, Fishing
Hall, Fred H., Jr. 4405 Avenue C	Home-made, Outboard, 1941 Model, Evenrude, 4-passenger
Perry, A. L. - 516 Leland Street	Home-made, Flat-bottom, Fishing, New, 4-passenger
Sheets, R. L. - 1508 Pease Road	Home-made, Sail, New, "Snorky", 6-passenger
Watt, Terrence Neal- 508 Norwood Building	Wheeler, Inboard, 1940 Model, "Elora", Chrysler "g", 10 or 12-passenger

The motion was seconded by Councilman Wolf, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

It was moved by Councilman Bartholomew that the following applications for commercial boat licenses be approved, subject to the approval of same by the Lake Austin Navigation Board:

Name and Address of ApplicantDescription of Boat

Beard, Benton - Star Route B, Box 12	Home-made, Row, 1941 Model, 2-passenger
Beard, Benton - Star Route B, Box 12	Home-made, Row, 1941 Model, 2-passenger
Beard, Benton - Star Route B, Box 12	Home-made, Row, 1941 Model, 3-passenger
Beard, Benton - Star Route B, Box 12	Home-made, Row, 1941 Model, 3-passenger
Beard, Benton - Star Route B, Box 12	Home-made, Row, 1941 Model, 3-passenger
Beard, Benton - Star Route B, Box 12	Home-made, Row, 1941 Model, 4-passenger
Beard, Benton - Star Route B, Box 12	Home-made, Row, 1941 Model, 3-passenger
Beard, Benton - Star Route B, Box 12	Home-made, Inboard, 1941 Model, Elto, 4-passenger
Beard, Benton - Star Route B, Box 12	Home-made, Outboard, 1941 Model, Elto, 4-passenger
Frade, R. R. 707 Upson Street	Home-made, Skiff, 2 years old, 3-passenger

The motion was seconded by Councilman Wolf, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following resolution was introduced by Councilman Wolf:

WHEREAS, heretofore on the 16th day of March, 1939, by resolution of the City Council, recorded in Minute Book 17, pages 452-453, of the Records of Minutes of the City Council of the City of Austin, the City Council of the City of Austin, the City Council closed and vacated two alleys as shown on the map or plat of Mira Loma of record in Book 4, at page 16, of the Plat Records of Travis County, Texas; but easement rights were retained for the construction, maintenance and operation of all public utilities in, upon and across the aforementioned alleys; and

WHEREAS, such easement rights, as retained in such resolution, are not needed over the property hereinafter described; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager be and he is hereby authorized and directed in the name of the City of Austin to release and quitclaim to Ralph Greear and wife, Alta Greear, all the right, title, interest,

claim and demand in and to a portion of the alley extending in an easterly and westerly direction traversing Mira Loma above referred to between Vista Lane and John D. McCall Road, as shown upon the aforementioned plat, and being the north fifteen (N. 15) feet of that portion of said alley lying or being situated west of the southerly prolongation of a line ten (10) feet east of, and parallel to, the east lines of Lots 17 and 18 of said Mira Loma.

Upon motion of Councilman Wolf, the resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following ordinance was introduced by Councilman Bartholomew:

AN ORDINANCE GRANTING TO TEXAS AND NEW ORLEANS RAILROAD COMPANY THE PRIVILEGE OF SHIFTING AND REMOVING CERTAIN OF ITS TRACKS LYING IN EAST FIFTH STREET BETWEEN MEDINA STREET AND EAST AVENUE, AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Wolf moved that the rules be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Bartholomew, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance was read the second time and Councilman Wolf moved that the rules be further suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Bartholomew, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance was read the third time and Councilman Wolf moved that the ordinance be finally passed. The motion was seconded by Councilman Bartholomew, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor announced that the ordinance had been finally passed.

A petition by property owners, asking that they be permitted to use concrete or clay tile sewer pipe in the construction of sanitary sewer lines in Mayfair Terrace Addition located on 43rd Street, 44th Street, Ellingson Lane, and Bennett Avenue, was received. The matter was referred to the City Manager, with instructions to notify the petitioners that the Council deems it to the best interest of the property owners not to grant any variation under the present ordinance.

It was moved by Councilman Alford that the application of D. F. Samuel, 300 Congress Avenue, for a license to operate a Taxicab be granted, in accordance with the recommendation of the City Manager. The motion was seconded by Councilman Wolf, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following resolution was introduced by Councilman Gillis:

WHEREAS, Robert Morris is the Contractor for the erection of a building located at 2622 Wichita Street, and desires a portion of the sidewalk and street space abutting Lot 21 and 12 feet of Lot 20, Block 11, in Outlet 15 of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, during the erection of the building, such space to be used in the work and for the storage of materials therefor; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said Robert Morris, the boundary of which is described as follows:

Sidewalk and Street Working Space

BEGINNING at the northeast corner of the above described property; thence in an easterly direction and at right angles with the centerline of Wichita Street to a point 12 feet east of the west curb line; thence in a southerly direction and at right angles with the centerline of Wichita Street approximately 60 feet to a point; thence westerly and at right angles with the centerline of Wichita Street to the southeast corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Robert Morris,

hereinafter termed "Contractor," upon the following express terms and conditions:

(1) That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2) That the Contractor is permitted to construct in his working space a substantial gate, which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That "No Parking" signs shall be placed on the street side of the barricades.

(5) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

(6) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(7) That provisions shall be made for the normal flow of all storm waters in the gutter, and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(8) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(9) That the Contractor shall remove all fences, barricades, loose materials, and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment, and other obstructions shall be removed not later than November 1, 1941.

(10) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(11) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant, reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(12) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building project, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1,000.00), which shall protect, indemnify, and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise of the privileges granted the Contractor by the City of Austin, and shall guarantee the replacement of all sidewalks, pavement, and all other public property and public utilities disturbed or removed during the construction work, and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

Upon motion of Councilman Gillis, the resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following resolution was introduced by Councilman Alford:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a filling station site the property situated at the northwest corner of the intersection of 12th Street and Lamar Boulevard within the City of Austin, Travis County, Texas, which property is owned by Tex-Con Oil Company, and hereby authorizes the said Tex-Con Oil Company, acting by and through R. Max Brooks, Architect, to construct, maintain, and operate a drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Tex-Con Oil Company has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations
Attached)

"Austin, Texas
May 1, 1941

Mr. Gulton Morgan
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of Tex-Con Oil Company, acting by and through R. Max Brooks, Architect, for permission to construct, maintain and operate a drive-in gasoline filling station upon property situated at the northwest corner of the intersection of West 12th Street and Lamar Boulevard within the City of Austin, Travis County, Texas, and we hereby advise that the following conditions exist:

The property upon which this filling station is to be located is designated as "C" Commercial Use District as shown upon the Zoning Maps of the City of Austin.

Storm sewer drainage facilities do exist adjacent to the above described property.

We recommend that the Tex-Con Oil Company, acting by and through R. Max Brooks, Architect, be granted permission to construct, maintain and operate a drive-in gasoline filling station upon the above described property and to build concrete curbs, ramps and driveways in conjunction therewith subject to the following conditions:

- (1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the City Engineering Department as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.
- (2) That all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the City streets.
- (3) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap, which shall be constructed in accordance with our standard plan 2-H-146, and shall be conducted by a pipe connection from said sand trap to the nearest storm sewer at the expense of the applicant. Before commencement of any construction, the applicant shall apply to the City Engineer for an estimate of the cost of that portion of the storm sewer which will have to be built within any City street or alley and shall deposit in escrow a sum equal to said estimate with the City Finance Director.
- (4) That all filling station improvements, pumps, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant, as set forth upon the plan hereto attached, which plan bears the City Engineer's file number 2-I-110.
- (5) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-I-110 and shall be of the pre-moulded type.
- (6) That before use of said station, the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

/s/ J. E. Motheral, City Engineer; J.C. Eckert, Building Inspector.

Upon motion of Councilman Alford, the foregoing resolution was adopted by the following vote:
 Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following resolution was introduced by Councilman Wolf:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Mayor and the City Manager be, and they are hereby, authorized and directed for and in behalf of the City of Austin to enter into a lease contract with the Board of Regents of the University of Texas for the use by the City of a tract of 1-1/3 acres, more or less, out of the D. J. Gilbert One-third League, Travis County, Texas, for a period of twenty (20) years, substantially according to the terms and provisions of a proposed contract, a copy of which is attached to this resolution and made a part hereof for all purposes.

(Contract Attached)

Approved as to form:
 SCOTT GAINES, ATTORNEY.

THE STATE OF TEXAS :
 COUNTY OF TRAVIS :

THIS AGREEMENT, between the Board of Regents of The University of Texas, Trustee, hereinafter called "Regents", and the City of Austin, a municipal corporation of Travis County, Texas, hereinafter called "City", WITNESSETH:

WHEREAS, the City has applied to Regents for an easement for a term of twenty (20) years covering a tract of one and one-third (1-1/3) acres, more or less, in a triangular form out of the D. J. Gilbert One-third League in Travis County, Texas, being a portion of the land conveyed to The University of Texas by George W. Brackenridge by deed dated June 17, 1910, recorded in Book 244, page 77, et seq., Deed Records of Travis County, Texas.

NOW, THEREFORE, Regents, for a good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant to City an easement for landscaping, passage or right-of-way purposes, only, for and during the term and period of twenty (20) years from date hereof, the following described tract or parcel of land lying in Travis County, Texas, more particularly described as follows:

A tract of 1-1/3 acres, more or less, in a triangular form out of the D.J.Gilbert One-third League bounded on the east by Lake Boulevard and on the west by a tract of land owned by the City of Austin, and bounded on the south by a line extended from the southeast corner of the tract of land owned by the City of Austin S. 86°26' E. to Lake Boulevard. Said tract is marked "D" on the map marked Exhibit A hereto attached and made a part hereof.

The right-of-way easement hereby granted is for public passage across the south end of said tract to the City's proposed public fishing pier on the Colorado River and the other public passage-way to cross the north part of the tract to the area used by the Lower Colorado River Authority.

It is agreed and understood that no structures of any kind or character are to be placed on the land by the City or by the Lower Colorado River Authority.

The rights and privileges hereby given to the City shall not be transferred or assigned without the written consent of Regents, and any attempt to transfer or assign the same without first having obtained such written consent shall be sufficient cause for cancellation of this contract.

At the termination of this contract, the City shall quit and surrender said premises to Regents in as good condition as they now are, natural wear and tear from a reasonable use thereof alone excepted.

This contract may be cancelled or terminated by either party hereto by such party giving to the other party ninety (90) days' notice in writing prior thereof. Any such notice shall be given by letter properly addressed, stamped and placed in the United States mail.

IN WITNESS WHEREOF, the Board of Regents of The University of Texas has caused its name to be hereto subscribed by its Chairman, attested by its Secretary under its seal, and the City of Austin has caused its name to be hereto subscribed by its Mayor and its City Manager, attested by its City Clerk under its seal, this the ___ day of May, 1941, executed in duplicate originals.

BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS, TRUSTEE

By _____ Chairman

CITY OF AUSTIN

By _____ Mayor

_____ City Manager "

Attest:

 Secretary

Attest:

 City Clerk

Upon motion of Councilman Alford, the foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following resolution was offered by Councilman Wolf:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the sum of \$160.00 be, and the same is hereby, appropriated out of the General Fund, not otherwise appropriated, for the purpose of sending one man to the New York Fire College for four (4) days for the purpose of studying problems involving the handling of explosives and gas control and other fire department problems resulting from war conditions.

Upon motion of Councilman Wolf, the resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor called up for its first reading, the following ordinance, which was introduced at the regular meeting of April 24th and laid over:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF ONE HUNDRED AND EIGHTY-FIVE AND 89/100 (185.89) ACRES OF LAND, BEING A PORTION OF THE THOMAS HAWKINS SURVEY AND THE J. C. HARELSON SURVEY WITHIN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN THE PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the first time and Councilman Wolf moved that the ordinance be passed to its second reading. The motion prevailed by the following vote: Ayes, Councilman Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance was then laid over for its second reading.

The following report of the Board of Adjustment was received:

"Austin, Texas
April 29, 1941

Honorable Mayor and City Council
City of Austin, Texas

Gentlemen:

The Board of Adjustment has been considering a number of amendments to the Zoning Ordinance which it hopes to present to the Council within the next two weeks. Among these amendments are the two hereinafter submitted to which the Board wishes to call your attention at this time inasmuch as they affect the development of the Caldwell property at Crockett and West Sixth Street by the Coko Cola Bottling Company for their new plant under certain restrictions as to arrangement and planning of the property. An appeal was made to the Board of Adjustment for a permit but as this property is located in a "C" Commercial District, the Board was without power to grant a special exception under the rulings of the City Attorney.

The Coko Cola Bottling Company has secured an extension of their option for another thirty (30) days, ending June 1st, and therefore are concerned about the final decision of this matter before that date. Inasmuch as the entire neighborhood has signed a petition approving the proposed development and as there is at present no provision in the ordinance permitting the erection of this type of building in a "C" Commercial District, the Board felt that the ordinance should be amended to permit this use under certain safeguards which are expressed in the amendment.

The two amendments referred to are:

a. The addition to Section 2, "DEFINITIONS" of the Ordinance of the following:

"COMMUNITY CENTER: Any area, zone, or district shown on the Use District Map as a "C" Commercial District measuring not more than 900 feet at its greatest dimension, including streets and alleys. "

b. Add Item 35 to Section 6, "C Commercial District. "

"Bottling Works where located in a community center as defined herein and where receiving and loading docks, truck delivery, storage of trucks and automobiles, and other merchandising or processing operations occur or are carried on on any street frontage and not behind any wall or opaque barrier less than 7'0" high. "

The effect of this is that bottling works will be allowed in any "C" Commercial District but not in community centers in the residential areas where they will be obnoxious to the residential development and further that where they are permitted in a "C" Commercial District the building and site will be so planned as to screen off from the surrounding property the operations of the plant so as to lessen the noise, traffic congestion on

adjacent streets and any unpleasant characteristics of such a business.

These amendments are therefore recommended to the City Council for adoption as meeting a definite need of the rapid expanding city and clarifying the Zoning Ordinance.

Respectfully submitted,

BOARD OF ADJUSTMENT

BY /s/ H. F. Kuehne
Chairman

The City Manager was instructed to advise the Chairman of the Board of Adjustment that the City Council is not interested in making this change as it would set a precedent for other changes from "D" Industrial to "C" Commercial uses, and ask that said Chairman advise the owner of the Caldwell property at Crockett and Sixth Streets to make his request in writing for a change in zoning from "C" Commercial to "D" Industrial of said property and he will be given a hearing.

The City Manager, City Attorney, Building Inspector, Fire Chief, and City Engineer were instructed to make a report to the Council as to what their recommendations would be for relaxing the present fire zone restrictions in the territory around East 6th Street from East Avenue to Chicon Street.

The following resolution was introduced by Councilman Alford:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be, and the same is hereby, permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main in MEADOWBROOK DRIVE from Clearview Drive to Gilbert Street, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel to, the east property line of said Meadowbrook Drive.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

- (2) A gas main in ELLINGSON LANE from a point 116 feet west of Clarkson Avenue easterly 47 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said Ellingson Lane.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

- (3) A gas main in SINCLAIR AVENUE from a point 162 feet north of West 41st Street southerly 124 feet, the centerline of which gas main shall be 9 feet west of, and parallel to, the east property line of said Sinclair Avenue.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

- (4) A gas main in INDIAN TRAIL from a point 31 feet west of Sharon Lane easterly 325 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of, and parallel to, the north property line of said Indian Trail.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

- (5) A gas main in SOUTH CONGRESS AVENUE from Leland Street to West Johanna Street, the centerline of which gas main shall be 14 feet west of, and parallel to, the east property line of said South Congress Avenue.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

- (6) A gas main in WEST JOHANNA STREET from South 1st Street to South Congress Avenue, the centerline of which gas main shall be 12 feet south of, and parallel to, the north property line of said West Johanna Street.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

- (7) A gas main in HACKBERRY STREET from a point 162 feet east of San Bernard Street easterly 28 feet, the centerline of which gas main shall be $13\frac{1}{2}$ feet south of, and parallel to, the north property line of said Hackberry Street.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

- (8) A gas main in GARNER AVENUE from a point 63 feet north of Ashby Avenue southerly 25 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel to, the east property line of said Garner Avenue.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

- (9) A gas main in ROOSEVELT AVENUE from a point 202 feet north of North Loop Boulevard northerly 206 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel to, the east property line of said Roosevelt Avenue.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

- (10) A gas main in CONCORDIA AVENUE from Lafayette Avenue easterly 109 feet, the centerline of which gas main shall be $12\frac{1}{2}$ feet south of, and parallel to, the north property line of said Concordia Avenue.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

Upon motion of Councilman Alford, the foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Upon motion of Mayor Miller, the request of the American Legion for use of Zilker Park for the celebration July 3rd, July 4th, and July 5th, was granted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following resolution was introduced by Councilman Wolf:

WHEREAS, City Manager, for and in behalf of the City of Austin, authorized by the City Council to act for said City, heretofore conveyed Lot 6, of the Shoal Creek Boulevard Lots Addition, in the City of Austin, Travis County, Texas, according to a map or plat thereof, recorded in Book 3, page 218, Plat Records of Travis County, Texas, to C. G. Levander and wife, Eva Levander, by warranty deed dated October 23, 1937, which deed is recorded in Book 573, page 323, of the Deed Records of Travis County, Texas; and

WHEREAS, such authorization to the City Manager to convey said property by warranty deed to the said C. G. Levander and wife, Eva Levander, as aforesaid, was inadvertently omitted from the permanent records and proceedings of the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the act of the City Manager in executing for and in behalf of the City of Austin a general warranty deed to C. G. Levander and wife, Eva Levander, be and the same is hereby in all things ratified and confirmed, and the City Council hereby ratifies, adopts and confirms the action of the City Manager in executing, acknowledging and delivering the aforesaid general warranty deed from the City of Austin to C. G. Levander and wife, Eva Levander.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Upon motion, seconded and carried, the meeting was recessed at 11:30 A. M., subject to call of the Mayor.

Approved: Tom Miller
Mayor

Attest:

Hallie M. Keller
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, May 8, 1941.

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, May 8, 1941, with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, Mayor Miller; absent, Councilman Wolf.

The Minutes of the regular meeting of May 1, 1941, were read, and upon motion of Councilman Alford, were adopted as read by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

A committee from the Travis County Humane Society, with Mrs. Noyes D. Smith and Mrs. R.M. Hamby as spokesmen, submitted a proposal for the building of a Youth Center under the sponsorship of said organization, said proposal being, substantially, that the Society furnish the house and lot, located at the corner of 2 $\frac{1}{2}$ and Canadian Streets, donated by E. H. Perry; and that the City bear the cost of repairs to the building, consisting of an addition of one room for a game room and various equipment, totaling \$1387.

After some discussion, the committee were advised that the house and lot would first have to be deeded to the City before the City could spend money legally on the project, and that if this is done, the City would probably furnish the amount asked for; and the committee were further advised to work out the details of the matter with the City Manager and the City Attorney.

A committee from the Junior Chamber of Commerce, with Taylor Glass, President, as spokesman, submitted to the Council the following proposal in writing:

" Realizing a need of a baseball park in our good City that can be used by amateurs, semi-pro, and professional teams, a group of Austin men have met and formulated a plan to get a park constructed in Austin. This group is now in the process of forming an organization to be known as the Jaycee Sports Association. It is to be a non-profit Association, sponsored by the Austin Junior Chamber of Commerce. The purpose is two-fold:

First: To get a baseball park in Austin, and

Second: To promote baseball, both amateur and professional, feeling that our